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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,599

04/14/2004

Richard J. Fine

10014.0001

6238

7590

04/10/2007

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EXAMINER

BROOKS, MATTHEW L

ART UNIT

PAPER NUMBER

3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/823,599

Applicant(s)

FINE, RICHARD J.

Examiner

Matthew L. Brooks

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-10,12-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4-10,12-16 and 18-20 are ejected under 35 U.S.C. 102(e) as being anticipated by Pub. No.: US 2002/0188500 A1 (Kwok).
3. With respect to claims 1, 9 and 11 Kwoc teaches the method/medium and apparatus of:

receiving postings of business venture assets to a provider ([0100] and [0010] and [0063]);

providing to a plurality of customers access to said postings via a business agreement with a provider ([0045]);

linking the plurality of customers to said business venture assets via the provider ([0096]);

connecting the business venture assets with the plurality of linked customers via the provider ([0026]); and

negotiating for an equity stake between the plurality of linked customers to create at least one new business ([0002] [0006] and [0101] and [0009] and [0043] and [0045]).

4. With respect to claims 2, 10 and 16: Kwok teaches

wherein said business interests comprise at least one from a group including, equipment, real estate, intellectual property, technical expertise, material inventories, purchase agreements, product purchases, and investment capital ([0006] and [0010]).

5. With respect to claims 4, 12, and 18: Kwok teaches

wherein the linking step further comprises creating an item selection criteria by at least one of the plurality of customers, wherein an item corresponds to a business venture asset ([0020] and [0045] and [0051] and [0054]).

6. With respect to claims 5, 13, and 19: Kwok teaches

further comprising the step of the customer providing an item selection criteria to the provider by at least one of the plurality of customers ([0020] and [0082] and [0033] and [0015] and [0100]).

7. With respect to claims 6, 14 and 20: Kwok teaches

further comprising the step of the provider displaying to at least one of the plurality of customers an item or items indicated by the item selection criteria ([0020] and [0082]).

8. With respect to claims 7: Kwok teaches

wherein the provider utilized a computer system to implement the business links ([0002] and [0018] and [0082]).

9. With respect to claims 8: Kwok teaches

wherein the computer system uses the internet in the form of a web portal ([0026]).

Response to Arguments

10. Applicant's arguments filed 3/19/2007 have been fully considered but they are not persuasive.

11. In response to Applicants only argument found in the middle of page two, Applicant states Kwok fails to teach "negotiating an equity stake to create a new business" and does not teach negotiating between customers. Applicants assertion is incorrect. The definition of equity stake is: (retrieved from www.freedictionary.com)

2. **equity** - the ownership interest of shareholders in a corporation

stake, interest - (law) a right or legal share of something; a financial involvement with something; "they have interests all over the world"; "a stake in the company's future"

sweat equity - interest in a building that a tenant earns by contributing to its renovation or maintenance

Kwok teaches a system for assisting in transactions [0002]. Further Kwok teaches exploration properties are bought and sold in whole or *fractional interests*, based upon rights involved [0006]. And teaches negotiation/agreements between specific parties/customers [0043] and [0046].

Conclusion

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3629

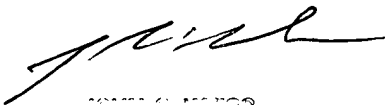
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLB
4/2/2007



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SUPERVISOR, EXAMINER
APR 2 2007